

# COMMITTEE REPORT

## MADAM PRESIDENT:

The Senate Committee on Appropriations, to which was referred House Bill No. 1224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Replace the effective dates in SECTIONS 1 through 2 with
- 2           "[EFFECTIVE APRIL 1, 2008]".
- 3           Page 2, line 12, delete "(a) The following rules are void:".
- 4           Page 2, delete lines 13 through 22.
- 5           Page 2, line 23, delete "(b) The" and insert "**After March 31, 2008,**
- 6           **the**".
- 7           Page 2, run in lines 12 through 23.
- 8           Page 3, line 30, delete "by resolution".
- 9           Page 5, delete lines 39 through 42, begin a new paragraph and
- 10          insert:
- 11          "SECTION 7. IC 4-33-4-24.5 IS ADDED TO THE INDIANA
- 12          CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 13          [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 24.5. The**
- 14          **executive director shall establish a model power of attorney setting**
- 15          **forth the terms and conditions under which a trustee may exercise**
- 16          **the power to conduct gambling operations on a riverboat under**
- 17          **IC 4-33-21. The executive director may provide a copy of the model**
- 18          **power of attorney to any interested party.**
- 19          SECTION 8. IC 4-33-4-25 IS ADDED TO THE INDIANA CODE
- 20          AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 25. (a) The commission may select a person who is qualified to perform any duty described in this section or IC 4-33-21 as the presumptive trustee for any particular riverboat if the person required to submit for the commission's approval a power of attorney under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16 for that riverboat fails to submit the required power of attorney before the fifth day preceding a commission meeting scheduled for commission action on:**

**(1) the person's application for an owner's license or an operating agent's contract; or**

**(2) the renewal of the person's owner's license or operating agent contract.**

**(b) The commission may impose a civil penalty upon a person who:**

**(1) fails to submit a power of attorney before the deadline specified in subsection (a);**

**(2) fails to take any corrective action required by the commission with respect to a power of attorney submitted under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16; or**

**(3) violates any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee for the person.**

**(c) This subsection applies only to a riverboat licensed under IC 4-33-6. If:**

**(1) a riverboat and its related properties are for sale; and**

**(2) the licensed owner or an applicant for an owner's license fails to comply with any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee for the owner or applicant;**

**the commission may appoint a trustee to perform the duties described in subsection (e).**

**(d) This subsection applies only to a riverboat subject to an operating agent contract entered into under IC 4-33-6.5. If:**

**(1) a riverboat and its related properties are for sale; and**

**(2) the operating agent or an applicant for the operating agent contract fails to comply with any provision of this article**

concerning the submission of a power of attorney identifying the person who would serve as a trustee for the operating agent or applicant;

the commission may appoint a trustee to perform the duties described in subsection (e).

(e) A trustee appointed by the commission under subsection (c) or (d) shall conduct:

(1) riverboat gambling operations under IC 4-33-21; and

(2) the business operations of any property or amenity related to the riverboat gambling operation;

until the commission approves of the transfer of the riverboat and its related properties to a new licensed owner or operating agent.

(f) If:

(1) any circumstance described in IC 4-33-21-3(a) occurs; and

(2) a licensed owner, an applicant for an owner's license, an operating agent, or an applicant for the operating agent contract fails to comply with any provision of this article concerning the submission of a power of attorney identifying the person who would serve as a trustee for that person;

the commission may appoint a trustee to perform any duty described in subsection (e) or IC 4-33-21.

(g) A trustee appointed by the commission under subsection (c), (d), or (f) shall exercise the trustee's powers in accordance with:

(1) the model power of attorney established by the executive director under section 24.5 of this chapter; and

(2) IC 4-33-21.

(h) A trustee appointed under this section is subject to the direct supervision of the commission."

Page 6, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 8. IC 4-33-5-1.5, AS ADDED BY P.L.125-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:

(1) Any information concerning a minor child of an applicant.

(2) The Social Security number of an applicant or the spouse of an applicant.

(3) The home telephone number of an applicant or the spouse of

- 1 an applicant.
- 2 (4) An applicant's birth certificate.
- 3 (5) An applicant's driver's license number.
- 4 (6) The name or address of a previous spouse of the applicant.
- 5 (7) The date of birth of the spouse of an applicant.
- 6 (8) The place of birth of the spouse of an applicant.
- 7 (9) The personal financial records of an applicant or the spouse or
- 8 minor child of an applicant.
- 9 **(b) In addition to information that is confidential under**
- 10 **subsection (a), all information maintained by the commission**
- 11 **concerning an individual who holds an occupational license under**
- 12 **this article:**
- 13 **(1) is confidential for purposes of IC 5-14-3; and**
- 14 **(2) may be released by the commission only for law**
- 15 **enforcement purposes or to a state or local public agency."**
- 16 Page 6, line 25, delete "designating" and insert "identifying".
- 17 Page 6, line 25, delete "may" and insert ", if approved by the
- 18 **commission, would"**.
- 19 Page 6, line 26, delete "document" and insert "power of attorney".
- 20 Page 7, line 13, delete "designated" and insert "identified".
- 21 Page 7, line 19, delete "designating" and insert "identifying".
- 22 Page 7, line 19, delete "may" and insert ", if approved by the
- 23 **commission, would"**.
- 24 Page 7, line 20, delete "document" and insert "power of attorney".
- 25 Page 8, line 2, delete "designating" and insert "identifying".
- 26 Page 8, line 2, delete "may" and insert ", if approved by the
- 27 **commission, would"**.
- 28 Page 8, line 3, delete "document" and insert "power of attorney".
- 29 Page 8, line 27, delete "designating" and insert "identifying".
- 30 Page 8, line 27, delete "may" and insert ", if approved by the
- 31 **commission, would"**.
- 32 Page 8, line 28, delete "document" and insert "power of attorney".
- 33 Page 8, between lines 37 and 38, begin a new paragraph and insert:
- 34 **"(c) The proposed power of attorney required by this section**
- 35 **must be submitted before August 1, 2008."**
- 36 Page 9, delete lines 7 through 13, begin a new paragraph and insert:
- 37 **"Sec. 1. This chapter applies only to a trustee acting under the**
- 38 **authority of the following:**

(1) Either of the following:

(A) A written power of attorney approved by the commission under IC 4-33-6-2(c), IC 4-33-6-22, IC 4-33-6.5-2(c), or IC 4-33-6.5-16.

(B) An appointment by the commission under IC 4-33-4-25.

(2) A resolution made by the commission authorizing the trustee to commence gambling operations under this chapter."

Page 9, line 29, after "unable" insert "or unwilling".

Page 9, line 29, after "ownership" insert "or control".

Page 9, line 34, after "unable" insert "or unwilling".

Page 9, line 35, after "ownership" insert "or control".

Page 10, line 5, after "4." insert "(a)".

Page 10, between lines 11 and 12, begin a new paragraph and insert:

**"(b) A trustee appointed under this chapter is subject to the direct supervision of the commission."**

Page 11, between lines 11 and 12, begin a new paragraph and insert:

**"Sec. 9. A licensed owner or an operating agent shall purchase liability insurance in an amount determined by the commission to protect the trustee appointed to conduct gambling operations on behalf of the licensed owner or operating agent from liability for any act or omission by the trustee occurring within the scope of the trustee's duties. The insurance coverage required by this section must apply to the entire period of the trusteeship."**

SECTION 16. IC 4-35-10-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: **Sec. 3. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license is confidential for purposes of IC 5-14-3-4:**

**(1) Any information concerning a minor child of an applicant.**

**(2) The Social Security number of an applicant or the spouse of an applicant.**

**(3) The home telephone number of an applicant or the spouse of an applicant.**

**(4) An applicant's birth certificate.**

**(5) An applicant's driver's license number.**

- 1           **(6) The name or address of a previous spouse of the applicant.**  
 2           **(7) The date of birth of the spouse of an applicant.**  
 3           **(8) The place of birth of the spouse of an applicant.**  
 4           **(9) The personal financial records of an applicant or the**  
 5           **spouse or minor child of an applicant.**  
 6           **(b) In addition to information that is confidential under**  
 7           **subsection (a), all information maintained by the commission**  
 8           **concerning an individual who holds an occupational license under**  
 9           **this article:**  
 10           **(1) is confidential for purposes of IC 5-14-3; and**  
 11           **(2) may be released by the commission only for law**  
 12           **enforcement purposes or to a state or local public agency."**  
 13           Page 11, delete lines 18 through 19.  
 14           Page 11, line 20, delete "(c)" and insert "(b)".  
               (Reference is to HB 1224 as reprinted January 29, 2008.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 11, Nays 0.

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**Meeks**

**Chairperson**